



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.439 of 2022

1.P.Parimala
2.A.Prabhu

... Petitioners

Vs.

State represented by
Inspector of Police,
District Crime Branch,
Special Wing for Protection of Land Grabbing,
Thiruvallur.
Crime No.58 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Cr.No.58 of 2021 on the file of the respondent police.

For Petitioners: Mr.L.P.Shanmugasundaram

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 420, 465, 468, 471 IPC r/w 120(B) IPC, in Crime Number 58 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused had fraudulently obtained patta for the property which belongs to the defacto complainant and a settlement deed registered in favour of A2 by A1. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the first petitioner is the mother of A2 and the second petitioner is the witness of the settlement deed. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that already this Court dismissed the petitioner's anticipatory bail petition in CrI.O.P.No.24330 of 2021. He further submits that investigation almost completed and co-accused enlarged on bail in CrI.O.P.No.25636 of 2021. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and also considering that the co-accused enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Musif-cum-Judicial Magistrate, Uthukottai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the first petitioner shall report before the respondent police as and when required for interrogation and second petitioner shall report before the respondent police on every Wednesday at 10.30.a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;



[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions has been imposed and the petitioners is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

20/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKOTTAI,
THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
SPECIAL WING FOR PROTECTION OF LAND GRABBING,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. L.P.SHANMUGASUNDARAM Advocate on payment of
necessary charges SR.NO.908

CRL OP.439/2022

Date :20/01/2022

RW 24/01/2022